

## § 750.11

with your request, containing the following:

- (i) That the transferee is a principal party in interest in the transaction covered by the license, or is acting as agent for a principal party in interest;
- (ii) That the transferee is subject to the jurisdiction of the United States;
- (iii) That the transferee assumes all powers and responsibilities under the license for the control of the shipment of the items out of the United States;
- (iv) Whether any consideration has been, has not been, or will be paid for the transfer;
- (v) The name and address of the foreign principal in instances where the transferee will make the export as an agent on behalf of a foreign principal; and
- (vi) If the license is to be transferred to a subsidiary or firm, or if you transfer to the transferee all, or a substantial portion, of your assets or business, the transferee must certify that the legal authority changing the exporter imposes on the transferee the responsibility to accept and fulfill the obligations of the transferor under the transactions covered by the license; and
- (vii) The following certification:

The undersigned hereby certifies that, if license number(s) \_\_\_\_\_ is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be retained and made available upon request in compliance with the recordkeeping provisions contained in Part 762 of the Export Administration Regulations. The undersigned further certifies compliance with all requirements of the Export Administration Regulations regarding these licenses.

(c) *Notification of transfer and record-keeping.* Unless instructed otherwise by BIS, you must retain the license(s) pending notification by BIS of the action taken. If the request is approved, you must forward the license(s) to the transferee and the validated letter received from BIS authorizing the transfer. If the transfer request is not approved, the license(s) must either be returned to BIS or used by you if you so choose and have retained the legal and operational capacity fully to meet the responsibilities imposed by the license(s). If your initial request is returned by BIS for additional information, after obtaining the necessary in-

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formation you may resubmit your request.

[61 FR 12829, Mar. 25, 1996, as amended at 62 FR 25463, May 9, 1997]

### § 750.11 Shipping tolerances.

Under some circumstances, you may use a license issued for the export of items from the United States to export more than the value shown on that license. This additional amount is called a shipping tolerance. This section tells you, as the licensee, when you may take advantage of a shipping tolerance and the amount of shipping tolerance you are permitted to use.

(a) If you have already shipped the full quantity of items approved on your license, you may not use this shipping tolerance provision. No further shipment may be made under the license.

(b) If you have not shipped the full quantity of items approved on the license, the value of all of your shipments under one license, up to the full quantity approved on the license, may exceed the total dollar value stated on that license by up to 10%, unless;

(1) Your license stipulates a specific shipping tolerance; or

(2) Your item is controlled for short supply reasons and a different tolerance has been established. (See part 754 of the EAR).

[78 FR 61902, Oct. 4, 2013]

## PART 752—SPECIAL COMPREHENSIVE LICENSE

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SUPPLEMENT NO. 1 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-748P,